

14 CFR Part 71**[Airspace Docket No. 93-ASW-60]****Proposed Establishment of Class E Airspace; Alta Vista Ranch Airport, Marfa, TX****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Proposed rule; withdrawal.

SUMMARY: This action withdraws a Notice of Proposed Rulemaking (NPRM) that was published in the **Federal Register** on July 21, 1994. That proposal duplicated an earlier NPRM that was published on March 31, 1994. Both actions proposed to establish Class E airspace extending upward from 700 feet above ground level (AGL) at Alta Vista Ranch Airport, Marfa, Texas. Except for the comment period, the March 31, 1994, proposal is identical to the July 21, 1994, proposal. Accordingly, the duplicate proposal published July 21, 1994, is withdrawn.

FOR FURTHER INFORMATION CONTACT:

Alvin E. DeVane, System Management Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530; telephone: (817) 222-5595.

SUPPLEMENTARY INFORMATION:**The Proposed Rule**

On March 31, 1994, an NPRM was published in the **Federal Register** to establish Class E airspace extending upward from 700 feet above ground level (AGL) at Alta Vista Ranch Airport, Marfa, TX (59 FR 15137). That proposal was prompted by the development of a new standard instrument approach procedure (SIAP) to the Alta Vista Ranch Airport, Marfa, TX. A duplicate NPRM for Class E airspace at Marfa, TX, was also published in the **Federal Register** on July 21, 1994 (59 FR 37187). The March 31, 1994 proposal was identical to the July 21, 1994 proposal except for the comment period. No comments objecting to either proposal have been received. Therefore, in order to eliminate duplicate proposals for Class E airspace at Marfa, TX, the duplicate NPRM published on July 21, 1994 is being withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under

Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

Accordingly, pursuant to the authority delegated to me, the NPRM, Airspace Docket No. 92-ASW-60, as published in the **Federal Register** on July 21, 1994 (59 FR 37187), is hereby withdrawn.

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

Issued in Fort Worth, TX on January 4, 1995.

James R. Nausley,

Manager, Air Traffic Division, Southwest Region.

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Office of the Secretary**14 CFR Part 259****[Docket No. 50031; Notice 95-2]****RIN 2105-AC14****Aircraft Disinsection****AGENCY:** Office of the Secretary, DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Department of Transportation proposes to issue a rule that would require U.S. airlines, foreign airlines and their agents at time of booking transportation, to notify individuals purchasing tickets on flight segments originating in the United States if the aircraft will be sprayed with insecticide while passengers are on board and to provide immediately upon request the name of the insecticide used. This action is taken at the initiative of the Department.

DATES: The Department requests comments by March 20, 1995. The Department will consider late comments only to the extent practicable.

ADDRESSES: Comments should be sent to the Docket Clerk, Docket No. 50031, U.S. Department of Transportation, 400 7th Street, SW., Room 4107, Washington, DC 20590. To facilitate consideration of the comments, we ask commenters to file 5 copies of each set of comments. The docket will be available for inspection at this address from 9:00 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Arnold G. Konheim, U.S. Department of Transportation (P-13), 400 7th Street, SW., Washington, DC 20590 (202) 366-4849.

SUPPLEMENTARY INFORMATION:**Background**

The treatment of aircraft to kill insects (aircraft disinsection) has been an established practice throughout the world for a number of years. In fact, since the 1940's, nations have had the right to require the disinsection of inbound international aircraft flights under Annex 9 (Facilitation) of the Chicago Convention. The treatment of aircraft to kill insects (aircraft disinsection) has been an Convention for reasons of public health and agriculture. Recently, concerns have arisen about the harmful effects of certain disinsection treatments. However as a signatory of the Chicago Convention, the U.S. cannot forbid any other country from requiring the disinsection of flights landing in that country's territory.

U.S. Experience

During the late 1930's, the United States Public Health Service instituted insecticide spraying requirements covering all aircraft arriving at any U.S. port from an area infected with any insect-borne communicable disease. However, in 1979, the Centers for Disease Control and Prevention (CDC) amended the Foreign Quarantine Regulations (42 CFR Part 71) to discontinue requiring routine spraying because of concern for the health of passengers and crew, and the lack of evidence that aircraft spraying played a significant role in disease control, and the belief that discontinuation of spraying would not present a significant public health threat. Conversely, the spraying caused undue discomfort to many passengers, and had the potential for creating acute allergic reactions, asthmatic attacks, and other allergic or respiratory problems in certain passengers. Furthermore, yellow fever vaccine was readily available and very effective in providing long-term immunity for travelers going abroad, and routine mosquito surveillance and abatement procedures around U.S. international airports were utilized to prevent the introduction and spread of insect vectors.

Since routine spraying of aircraft was discontinued in the United States in 1979, there have been no outbreaks of vector-borne disease in the United States that can be attributed to imported vectors.